runoff because 70,000-plus Georgians registered in that period, and they think it helped Democrats more than Republicans. So, in a prejudicial way, they said: Let's make registration harder.

Well, it is not acceptable in our country to erect barriers for targeted communities—not for Black Americans, not for Hispanic Americans, not for college students, not for young voters, and not for Native American reservations—not for anyone.

But why are those groups being targeted in a surgical way by the strategies in State after State after State with Republican legislatures and Republican Governors? Because those constituencies tend to vote more often for Democrats than Republicans. So they are stealing the vote of millions of Americans. They are corrupting the election process for millions of Americans.

We stand here today in the Senate with the same issue we were debating in 1890 and 1891. The House had set national standards so every American could vote, and the Senate would not give unanimous consent to get to a final vote and contributed to eight-plus decades of discrimination in our country, of corrupted elections in our country—until the Voting Rights Act of 1965.

I see a colleague here preparing to speak, and I haven't even begun my real speech yet. I am going to close to hand the floor to him, my colleague from Maryland, but let me summarize a couple points before I do so.

I believe the Senate is far better off when the minority has the power to slow things down. I think that is value, to be able to have leverage to get amendments; to be able to negotiate a compromise; to be able to make sure a technical bill has been examined by experts and you understand what it really does; to make sure we have seen all the provisions; to make sure the public has seen all the provisions; to make sure the press has been able to investigate the provisions. All of that is incredibly positive, and it is why, whether I have been in the minority or been in the majority, I have argued we need to sustain 60 votes to close debate, and I still hold that position now—60 votes to close debate by a vote.

There have traditionally been four ways that a debate on the floor comes to a conclusion.

The first is a break in the debate. At that point, I was struck when I asked the experts ''Is the Chair allowed to call the question?'' and I was told that not only can they call the question, they have a responsibility to call the question when there is a break in the debate. So a break in the debate is one.

The second is by unanimous consent. Everyone agrees we have been at this long enough. Let's do four more amendments and then go to final passage, and there is a unanimous consent agreement to do that. We still do that quite often.

The third is to have a vote on closing debate, and we have to get 60 votes. It is not a ratio of those who show up to vote. So the irony is, those who want a debate often don't show up. You can have a vote 59 to 5, and the 59 lose. You have to get 60 votes.

The fourth is rule XIX, which says every Senator gets to speak twice. Now, as far as I am aware, there has never been a debate in the U.S. Senate that was finally brought to a close by everyone using up their two speeches, but it always hovers there, saying there is an eventual ability to vote on the question.

These are the four traditional strategies. We need to apply those four strategies to a period of debate addressing final passage of the bill. The cloture motion would still be there. The possibility of a UC would still be there. A break in the debate would still be a break in the debate, and a UC would be a UC. All four tools would still be there, but we would be addressing final passage.

The problem we have—a little kind of behind-the-scenes complexity of Senate rules—is that in the modern Senate, there is always a pending amendment. So you can't actually get to final passage unless you have a period of debate dedicated to final passage, and breaking the debate would call the question on the amendment, not final passage.

This means that those who want more debate could hold the floor for weeks and weeks on something they are determined to keep presenting to the American public, but it brings in the public. It brings in the public. They can weigh in on whether we are heroes or whether we are bums. They can weigh in on amendments we say we are going to bring up the next day. They can help us understand how folks back home feel.

There is no public in the no-show, no-effort, invisible filibuster we have had since 1975. There is no public, and there are no amendments because amendments require a supermajority to close debate. Someone says: Well, I am not going to agree to that until my amendment gets up. There is no longer a social contract: You do your amendment. I will do my amendment. We will all do them. They will be on topic.

It is gone. So the number of amendments has dropped tenfold between the 109th Congress and the 116th Congress. The number of amendments dropped more than tenfold over that time period. Instead, the floor managers negotiate. The leaders negotiate. They produce a list and then ask everyone to agree to that list, and someone objects: You left out my amendment.

So we—a room full of former House Members and industry leaders, former Governors, former speakers of their State house or presidents of their State senate; all of this talent sitting around here—do nothing day after day after day while the invisible, no-show, no-effort filibuster destroys debate in the Senate of the United States of America.

It is our responsibility to restore debate in this Chamber, to restore amendments. The advantages of the restoration are, No. 1, that you have amendments; No. 2, that you have public debate; and No. 3, perhaps the most important, you have an incentive for both sides to negotiate, because under the no-show, no-effort, invisible filibuster that we have had since 1975, the minority of either side says: You know, if I can get 41 of our minority Members to agree not to close debate, and all they have to do is not even show up to vote or show up to vote if they like but vote no, then the majority can never get anything done, and won't that enhance our political power in the minority party?

That is an almost irresistible temptation in the tribal, partisan warfare of today. So each minority is tempted into basically exercising a veto over the majority party's policy agenda. That is ''an eye for an eye makes the whole world blind,'' strategy. The Democrats sabotage the Republican majority. The Republicans sabotage the Democratic majority. But under the public filibuster, not only is the public involved, but the minority has to maintain continuous debate, which can be hard, so they have an incentive to negotiate. The majority, seeing the time burned up that they need for other things, other policy bills and nominations, they have an incentive to negotiate. So you get amendments. You get the public involved. Most important, you recreate an incentive to negotiate. That is the reinvigorated filibuster strategy, the talking filibuster.

Call it the public filibuster or just call it extended debate on final passage of the bill. Whatever you call it, it is better than the paralysis and partisanship that are destroying the Senate's ability to address the questions that face this Nation, and there is no more important question than defending the right of every citizen to vote.

The PRESIDING OFFICER. The Senator from Maryland.

H.R. 5746

Mr. VAN HOLLEN. Mr. President, let me start by thanking our colleague, the Senator from Oregon, Senator MERKLEY, for his leadership in working to restore the functioning of the Senate and to protect our democracy. We need both, and we need them now.

It was just 12 days ago that we marked the 1-year anniversary of the January 6 attack on this Capitol and on our democracy itself. It was a violent attempt to stop Congress from certifying the Presidential election of Joe Biden and to overturn the decision of the American people. It was inspired and instigated by the former President.

While that assault did not succeed in stopping us from counting the vote that day, the Big Lie did not die. In fact, the Big Lie has metastasized. It has spread, and its poison is seeping across the country. It is now taking

the form of Republican-controlled State legislatures enacting laws that erect new barriers to the ballot box. Let's be clear. They are erecting barriers specifically designed to make it harder for people of color and younger voters to cast their ballots.

As we saw in a Federal Circuit Court case a number of years ago with respect to North Carolina, the court found that the State legislature had targeted African-American voters with surgical precision.

Dr. King observed that voting is ''the foundation stone for political action.'' He also observed that when the right to vote is impeded, a tragic betrayal of the highest mandates of our democratic tradition are betrayed.

What we see happening in State legislatures are not just efforts to put up barriers to the ballot box; they are also passing laws to authorize partisan operatives to interfere in the counting of the votes and even to overturn the results after the count. So laws to interfere with the casting of the votes and laws to interfere with the counting of the votes—that is what is happening right now. Nineteen legislatures around the country have already enacted these kinds of laws.

So, yes, our democracy was under attack right here on January 6 of last year, but 1 year later, the evidence is clear: The Big Lie is alive, and our democracy is still under attack. It is under attack by those seeking to implement the Big Lie in State legislatures. It is just the venue that has changed.

When we reconvened here after the attacks of January 6, I said on this floor that what we witnessed is what happens when we don't stand up together as Democrats and Republicans to confront the Big Lie.

Now, over a year later, we have another chance to stand up together. To meet this moment and to protect our democracy, we need to take action here and now. That is what the Freedom to Vote Act does. It establishes minimum standards to ensure equal access to the ballot box across the country. It guards against partisan election meddling. It ends gerrymandering nationwide, and it ends secret money in elections. It contains the John R. Lewis Voting Rights Advancement Act to restore the protections guaranteed in the Voting Rights Act of 1965. That is what it does.

We are well within our rights as Federal lawmakers to write and pass these bills. The relevant portion of article I, section 4, clause 1 of the Constitution—I have that here—clearly states:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.

The Constitution specifically empowers us to pass these laws to protect voting. So enough of the specious argument I have heard so many times here on the Senate floor that these bills somehow represent an unconstitutional power grab—far from it. The Framers expressly empowered the Congress to protect Federal elections.

Now, all 50 Members of the Democratic majority, the Democratic caucus, support these bills to protect our democracy. I am disappointed that, as of this moment, not one Member of the Senate Republican caucus plans to join us. In fact, we know that there are 16 Republican Senators here today who voted in 2006 to reauthorize the Voting Rights Act. Today, not a single Republican Senator will stand up and support these bills. That is a very sad and bad sign of this moment in our history.

I accept that each and every Senator has the right to cast their vote on bills however they choose. That is the way democracy works. But what is happening now is very different. Republican Senators are using the current version of the Senate rules to block a vote on these vital measures to protect our democracy; to prevent this body from having a final vote on the Freedom to Vote legislation and the John R. Lewis Voting Rights Advancement Act.

So let's step back and look at how the current version of the Senate rules operates in practice, and I say ''current rules'' because the Senate rules have evolved over time, as our colleague from Oregon has mentioned. They have taken many twists and turns over the years. In their current form and practice, they have departed radically from their original purpose and design.

Today, with some exceptions, 41 out of 100 Senators can block the other 59 from voting on legislation that is important to the American people. Over the last year, this Senate rule has been used to block bills that enact commonsense gun safety provisions and provide for equal pay for equal work. Many other bills have been blocked from even getting a vote under the current Senate rules.

So let's unpack this. Let's understand what this means.

Right now, under our rules, it is possible for 41 Senators representing 21 States and 11 percent of the U.S. population to block the will of 50 Senators representing 84 percent of the U.S. population. Think about that. Under our current rules, Senators representing a small percentage of the population—11 percent—can block the will of the majority.

How did this happen? Well, it happened because over time—not at the beginning but over time—Senators decided to empower themselves at the expense of the American people. It wasn't always this way. As I said, in its earliest days, the Senate was founded on two principles. The first was that Senators would have ample opportunity to make their case to their fellow Senators and to the country. If they had the minority position on a particular issue, they had a chance to come here to the floor of the Senate to persuade their colleagues of the merits of their position and maybe in the process have the whole country turn to their side of the debate and influence the ultimate result.

So the Senators were given the opportunity for a prolonged debate to ensure that all opinions were heard and considered before the final vote. In fact, as my colleague from Oregon mentioned, each Senator was able to deliver two speeches on a particular question on a single legislative day. But after all the views were heard, after prolonged debate was ended, the Senate would move to a majority vote. That is how the Senate earned its representation as the world's greatest deliberative body.

Nothing could be further from that truth today. We have very little debate on the Senate floor today—real debate, where Senators engage on the big questions of the day. In fact, the minority of Senators who oppose legislation pending before the Senate can block it without even coming to the Senate floor to debate. They don't even have to come here to make their case to their fellow Senators and the American people, don't even have to show up to debate. We are talking about a Senate rule that was designed to encourage debate. Yet we have it operating today where nobody has to even show up on this floor to make their position known.

It is not that Senators don't even have to show up to debate; they don't even have to show up for the vote to cut off debate. Under our current rules, we could have a vote right here in the Senate of 59 to nothing in favor of moving forward on legislation, and the 41 Senators who didn't even show up would carry the day. They would block the 59 from expressing the will of the American people. How crazy is that? That is what the current Senate rules provide.

That is not what the Founders of our Republic envisioned. In fact, the current version and application of the Senate's rules amount to a total perversion of the constitutional framework. These rules pervert the intent of our Framers, and they undermine the democratic architecture of our Republic.

Our Founders never—never—intended for a minority of Senators—for 41 Senators—to be able to thwart the will of the majority and of the people.

In Federalist 22, Alexander Hamilton asserted that the fundamental maxim of republican government was ''the sense of the majority should prevail.''

Even more clearly right on point was James Madison in Federalist 58, where he directly warned against requiring more than a majority for a decision in the legislature, saying that ''the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority.'' This is James Madison, a key architect of our Constitution and the framework of this Republic.

Now, we know it is true that the Framers of our Constitution knew the dangers of overly powerful majorities, and they wanted to and did guard against that risk in the Constitution itself. That is why the Framers diffused power among the people, among the States, and within the Federal Government—to protect minority viewpoints in the country.

In the Bill of Rights, our Founders clearly said that each American has certain unalienable rights that no government action can take away—not by a vote of this Congress, not by an order of the President, not by anybody in the executive branch. That is the Bill of Rights. Our Founders also created three coequal branches of government constrained by a system of checks and balances. It is all right here in the Constitution. Within the legislative branch, they didn't create one unitary body, like most Parliaments today; they created two separate bodies—the Senate and the House of Representatives—and a totally independent executive branch, with the President directly elected by the people through the electoral college.

Now, I think it is worth pointing out that the Senate contains built-in protections for the minority by its very structure. The 2 Senators from Wyoming represent 578,000 of our fellow Americans, and the 2 Senators from California represent 39 million of our fellow Americans. Two Senators from Wyoming represent 578,000 people, and 2 Senators from California represent 39 million Americans, but here in the Senate, each of those Senators, whether from Wyoming or California, has votes of equal weight. We can do the math, the political math.

People of Wyoming are already exerting influence here in the Senate way out of proportion to their share of the American population. That is in the structure. But if you layer the current version of the Senate filibuster rule on top of the Senate structure and on top of other protections for minority rights enshrined in our Constitution, you further nullify the will of the American people. You nullify the will of the majority of our fellow citizens.

That is why the anti—majoritarian, anti-democratic—small ''d''—Senate rule is nowhere to be found in the Constitution. You can search high and low; it is nowhere to be found here. In fact, as I said, our Founders were very clear about allowing the majority sentiment vote to prevail in the end. And they were very clear in this document, the Constitution, exactly when to require a supermajority vote. It is right here: Two-thirds vote of all Members is required to convict and remove a President; two-thirds vote is needed to expel a Senator; two-thirds needed to override a Presidential veto; two-thirds vote to concur on treaties; two-thirds to amend the Constitution. That is it. That is what is in the Constitution of the United States.

Our Founders did not envision a Senate where the normal course of legislative process and business could be permanently blocked by a minority of Senators. There is nothing in here about needing 60 out of 100 votes to pass legislation like the Freedom to Vote Act. There is nothing in our Constitution about a Senate where 41 out of 100 Senators can routinely block the will of the majority and subvert the will of the American people.

James Madison expressly warned against requiring supermajorities for legislation—yes for treaties, yes for removal of a President, not for the normal course of legislation.

So where did the current Senate rule come from? It is a total invention of Senators that empowers individual Senators by disempowering the overwhelming majority of the American people. That is what it is.

Think about this in the context of the Freedom to Vote Act. The duly elected President of the United States, who won over 80 million votes and in the electoral college, is in favor of it. A majority of the House of Representatives representing the majority of the American people is in favor of it. And 50 U.S. Senators representing 62 percent of the American people are in favor of it. But the bill is being blocked by a minority of Senators representing a minority of the American people.

And think about this. State legislatures around the country, as we gather here, are passing laws to erect barriers to voting by a majority vote. The laws they are passing impact every citizen in this country because they impact the outcome of Federal elections. When State legislatures in Georgia pass laws to disenfranchise voters in Federal elections, they are disenfranchising voters in all of the other 49 States who have a stake in the outcome of Federal elections.

But the current version of the Senate rules prevents the U.S. Senate from casting a majority vote to protect voting for every American, even though the Constitution expressly empowers us to do that—to regulate Federal elections.

So, Mr. President, what arguments do proponents of the current filibuster rule present to justify this self-anointed power to thwart the majority will of the American people?

One claim is that it promotes bipartisanship. Look, I know the Presiding Officer. I know the Senator from Virginia who has joined us. I know the Senator from Oregon. All of us prefer to find common ground to meet the challenges of the day when we can. I am proud to be the author of many bipartisan measures and to sponsor many others, and to vote for many of those measures. But let's not kid ourselves here in the U.S. Senate about the ability of the 60-vote requirement to promote bipartisanship. The Senate we are living in today is the most polarized ever. The claim that this rule promotes bipartisanship flies in the face of the reality we witness every day.

In fact, the filibuster in its current form has become a partisan political weapon. Tim Lau of the Brennan Center notes that, while there have been more than 2,000 filibusters since 1917, about half of them have been in just the past 12 years. Think about that. There were more filibusters in President Obama's second term than in all the years between World War I and the end of the Reagan administration combined. This abuse has led to partisan gridlock, not bipartisan cooperation.

But let's talk about bipartisanship. I had hoped—we had hoped—that action to preserve our democracy would be a bipartisan endeavor. But that isn't where we are today, and that is not new. The battle to protect constitutional rights has been waged along party lines in the past. The Fourteenth Amendment, which guaranteed citizenship to former slaves and guarantees equal protection under the law, was passed by Republicans in Congress with almost no bipartisan support. We salute them for that action. The 15th Amendment guarantees the right to vote to all citizens of the United States, and it was passed by one party and one party alone. Those actions were taken by the old Republican Party that used to be the party of Lincoln. Should we have sacrificed those critical amendments at the altar of bipartisanship? Should we have said to them: Don't pass them because no Democrats at that time supported them? Of course not.

We all strive for bipartisanship, but that goal should not stand in the way of legislative action, especially on issues central to protecting our democracy.

Another argument often made, including by many of our Democratic colleagues, in favor of keeping the current version of the Senate rules and the supermajority requirement, highlights the risk of giving up the ''protection'' of the filibuster on issues that Democrats hold dear and where Republicans hold a different position.

If we eliminate the 60-vote threshold to pass policies that Republicans don't like, won't Republicans be able to use a majority vote to pass policies that Democrats don't like?

That is true. That is the nature of democracy. That is what elections are for—every 2 years for Members of the House, every 6 years for the Senate, and every 4 years for the President. If the American people don't like a law that we have passed, they get to go to the ballot box to render a decision. That is the ultimate accountability in the system, and we should not be erecting artificial rules to protect ourselves from the majority views of the American people.

In fact, it is simply arrogant—arrogant—to invent a rule that blocks the will of the American people. It is simply arrogant to say that we Senators, not we the people, are the guardians of our democracy, and we are going to come up with this rule that is not in the Constitution to do that. That is what our current Senate rules do.

Now, there is one major exception to the 60-vote rule to end a filibuster on legislation. It is called the reconciliation process. I believe that this major exception exposes the absurdity of the current Senate rule itself. Most folks watching this debate may be justifiably confused. They are watching the Senate and they are saying: It was about a year ago that the Senate passed the American Rescue Plan with a majority vote. It was a vote of 50 to 49. It was a major piece of legislation responding to the pandemic emergency. Not a single Republican Senator voted for it, but it passed. During the Trump administration, Senate Republicans passed a major tax giveaway to the rich by a vote of 51 to 48. Not a single Democrat voted for it.

Those laws contained major policy changes, but they could not be blocked by a vote of a minority of 41 Senators. Why is that? It is because in 1974, the Senate carved out a major exception to the supermajority filibuster rule for legislation connected to the annual budget process. That carve-out—that procedure—allowed for the passage of the Trump tax law, for the American Rescue Plan, and earlier for the Affordable Care Act.

So, colleagues, here we are maintaining this carve-out to the filibuster rule that allows Donald Trump and Senate Republicans to pass big tax cuts by a majority party-line vote. You can't block it with a vote of 41. It allows us to pass important things like the American Rescue Plan, using the same procedure.

But our rules don't allow us to pass rules to protect our democracy. That is absurd. Anyone paying close attention to the rules would see how absurd that is in a great democracy, and it needs to change and it needs to change now.

Each day that we maintain the current undemocratic Senate rules that allow 41 Senators to block the will of the majority, we allow State legislatures to continue their assault on democracy and we prevent our own democracy from working the way it was intended.

The American people sent us here to get things done, to move the country forward, and the overwhelming majority are crying out for us to protect the future of our democracy. That is why we must amend the undemocratic rule that empowers 41 of 100 Senators to disempower the majority of the people of our country.

And I support the proposal put forward by our colleague from Oregon, Senator MERKLEY, that takes us back to the original design and intent of the first Senate and the Framers—debate. Everyone gets a chance to make their point. Convince your colleagues and convince the American people. But as James Madison said, at the end of the day, a great democracy must have a majority rule subject to the conditions already applied and set out in our Constitution.

So I urge my colleagues to join us in restoring the Senate to its original purpose and then to pass the Freedom to Vote Act, including the John R. Lewis Voting Rights Advancement Act, to protect our democracy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAINE). Without objection, it is so ordered.

H.R. 5746

Mr. SULLIVAN. Mr. President, last week, I gave a long, detailed speech on the topic that was at hand last week and is the topic, right now, that we are focusing on here in the U.S. Senate: voting rights and the majority leader's goal this week, as it was last week, to blow up the legislative filibuster.

I believe it would be the first time in U.S. history that a majority leader would actually seek to do this—to blow up the legislative filibuster—which, in and of itself, says a lot. This would, of course, change the Senate and change the country forever. There will be a lot of speeches on that. There will be many more speeches today, tomorrow, and Thursday on these important topics.

Now, the President of the United States weighed in on these two topics—the filibuster and voting rights—in Georgia, in a speech last week that is already going down as an infamous speech by a President of the United States. Let's just say it really didn't go very well, the President's speech.

I ask all Americans to take a look at it. It is quite disturbing for a whole host of reasons. The President's speech was almost universally panned, on the left even, on the right, and in the center. I have not seen one U.S. Senator come down on the floor, this week, to defend it. It will be interesting, as we debate these issues, if anyone does, but I doubt there will be, and there are many reasons for this.

As a speech by a President, it was remarkably divisive—in essence, calling every Senator, Democrat or Republican, who doesn't agree with him a racist and a traitor. Read the speech. It was historically absurd—invoking the sacrifices of the Civil War and heroes like Abraham Lincoln and villains like Jefferson Davis to present-day circumstances. It was profoundly un-Presidential, as Senator MCCONNELL stated, rhetoric, completely unbecoming of a President of the United States, and in an attempt to get Senators, especially Democrat Senators, to vote the way in which President Biden wants them to vote, it appears to have been a monumental failure. Now, I wonder why. Well, of course, here is why.

Calling someone a racist and a traitor is not the normal, logical route to try to persuade one to come over to your side—neither is claiming that Republican Senators, Republican legislators, States, and Republican State voting laws are so-called Jim Crow 2.0, when your very own State's laws, in terms of voting, are some of the most restrictive in the country. This is a narrative, I hope, our friends in the media will keep an eye on during the debates this week.

What am I talking about?

Well, first and foremost, I am talking about Majority Leader SCHUMER and Joe Biden and their States, New York and Delaware, which have some of the most restrictive voting laws in America. Let me repeat that. Some of the most restrictive voting laws in America come from the majority leader's State and the President of the United States' State. Yet listen to their rhetoric. Listen to their rhetoric: Republicans and Republican States are ''Jim Crow 2.0.''

I was on the floor last week, talking in particular detail about my State's laws. We are all different States here, but I know my State's laws. I know them well as they relate to voting rights. Here is one thing I said last week: On some of the most critical issues, in terms of voting rights legislation—early in-person voting, automatic voter registration, and this chart here of no-excuse absentee voting—the Republican State of Alaska, the great State of Alaska, has voting laws that are significantly more expansive than the laws of New York, than the laws of Delaware, than the laws of Connecticut, than the laws of Massachusetts, than the laws of New Hampshire. It is a long list, a long list. You can see why Senators like me—my constituents, in particular—find it more than just a little bit annoying when you have these smug arguments of Republican States being Jim Crow 2.0.

Let me give you another particular one as it relates to New York, the majority leader's home State.

My State has no-excuse absentee voting. We have had that for many, many years—many years. Now, the State of New York just had a statewide referendum to have same-day voter registration and no-excuse absentee voting to meet the high standards that we have in Alaska. The people of New York recently rejected that. I don't know why. I am not from New York. I am sure they had what they thought were good reasons to do that, but if the majority leader keeps coming down and calling the Republican States that restrict voting Jim Crow 2.0, is he going to go to Times Square and call his own constituents Jim Crow 2.0, relative to my great State—because they just rejected doing this, restricting voting rights—according to the logic of the majority leader and the President of the United States?

There is something really wrong here on these arguments and it is not just New York and it is not just my making these arguments about where other States are. Again, my argument here is